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FILING DATE APPLICATION NO. ATTORNEY DOCKET NO. CONFIRMATION NO. FIRST NAMED INVENTOR 09/685,601 10/11/2000 Franco Lo Giudice 198404US0 5262 **EXAMINER** 22850 7590 12/28/2005 OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. ZIMMER, MARC S 1940 DUKE STREET PAPER NUMBER **ART UNIT** ALEXANDRIA, VA 22314 1712

DATE MAILED: 12/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary Examiner			Application No.	Applicant(s)			
Mark S. Zimmer 1712	Office Action Summary		09/685,601	GIUDICE ET AL.			
The MALING DATE of this communication appears on the cover sheet with the correspondence address — Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions of time ray be available used the provision of 3 CFR 1.180h. In one with however, may netry be timely like 3 to the provision of 1 CFR 1.180h. In one with however, may netry be timely like 3 to 1 to 1 CFR 1.180h. In one with however, may netry be timely like 3 to 1 to 1 CFR 1.180h. In one with however, may netry be timely like 3 to 1 to 1 ST 1.180h. In one with however, may netry be timely like 3 to 1 to 1 ST 1.180h. In one with however, may netry be relieved by the CFR 1.180h. In one with however, may netry the present advanced before 1 to 1 t			Examiner	Art Unit			
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WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Extressors of time may be available under the provides of 37 CFR 1.35(a). In no owner, however, may a rapy be limely fled after SIX (6) MORTHS from the maining date of this communication. Faither to reprove this may be considered and the communication. Faither to reprove this the store exceeded period for rejival, they share, such the pallication became ARANDEOD 50 U.S.C. § 133). Any reply received by the Clifice later than there months after the maining date of this communication, even it limely fled. may reduce any canned soft than adjustment. See 37 CFR 1.704(b). Status 1) □ Responsive to communication(s) filed on 06 October 2005 2a) □ This action is FINAL. 2b) □ This action is in Charles. 2b) □ This action is FINAL. 3) □ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) □ Claim(s) 1-7,9-13,15 and 17-35 is/are pending in the application. 4a) Of the above claim(s) □ is/are withdrawn from consideration. 5i □ Claim(s) 1-7,9-13,15,17-31,34 and 35 is/are rejected. 7) □ Claim(s) 32 and 33 is/are objected to . 3i □ Claim(s) 32 and 33 is/are objected to . 3i □ Claim(s) 32 and 33 is/are objected to the restriction and/or election requirement. Application Papers 9) □ The specification is objected to by the Examiner. 10 □ The drawing(s) filed on □ is/are: a) □ accepted or b) □ objected to by the Examiner. Application Papers 9) □ The specification is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12 □ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) □ All b) □ Some ' c) □ None of: 1. □ Certified copies of the priority documents have been received in Application No. □ Copies of the priority documents have been received in Application Pro-152. Altachm	Period fo	_	pears on the cover sheet wit	h the correspondence add	dress		
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Application/Control Number: 09/685,601

Art Unit: 1712

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-7, 9-13, 15, 17-29, 31, and 34-35 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. As before, the original disclosure doesn't provide any indication as to whether it is number-average or weight-average molecular weight that is being recited. Applicant is reminded of previous discussions where the Examiner had outlined a possible ways of resolving this matter.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 30 is rejected under 35 U.S.C. 102(b) as being anticipated by Tanaka et al., U.S. Patent # 5,416,151. The Examiner had previously held that these claims were allowable over the prior art. However, it is now appreciated that, whereas claim 3 states that the additive composition is added in an amount corresponding to 0.01-2.8 wt.% relative to the weight of the composition, claim 30, by contrast, recites a range of 0.01 to

10 wt.%. Clearly, the examples outlined in Table 1 adhere to this limitation. (Applicant is reminded that the Examiner had earlier acknowledged that the oil in most of these examples was parrafin oil but that an oil consistent with Applicant's description of a saturated hydrocarbon had also been mentioned in the broader disclosure and the skilled artisan would have readily appreciated that the paraffin could have been replaced with any of the oils described by the broader disclosure.

Allowable Subject Matter

Claims 32 and 33 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc S. Zimmer whose telephone number is 571-272-1096. The examiner can normally be reached on Monday-Friday 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy Gulakowski can be reached on 571-272-1302. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1712

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

December 23, 2005

Marc Zimmer AU 1714